

NOV 3 2003

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

W. YOUNG LIVINGSTON
BY Debbie Pugh CLERK
DEPUTY CLERK

In re:

Electronic Filing

General Order No. 10

**Order Regarding Electronic Filing Requirements Applicable To
Attorneys, Trustees, Examiners And The United States Trustee**

The United States Bankruptcy Court for the Northern District of Georgia has experienced unprecedented growth in both the number of cases and other documents filed in the recent past. In 2001, 38,435 cases were filed in the Northern District of Georgia. The number of cases filed in 2002 increased to a total of 42,434 cases. The Clerk's Office projects that the number of cases filed in 2003 will exceed 46,000. Along with this growth in filings, the Court's budget constraints have not allowed staffing to increase commensurate with the increase in workload.

In the last two years, attorneys have electronically filed in excess of 30,000 bankruptcy petitions, and over 500,000 documents in cases pending in this Court. As CM/ECF has been implemented across the country, a number of federal courts have required attorneys to file documents in electronic format. From this experience, the Court concludes that requiring attorneys to submit documents in electronic format would not impose an unreasonable or difficult burden, provided that exceptions are made for cause shown. At the same time, the filing of documents electronically greatly assists the Court and the Clerk's Office in coping with the increased workload and providing prompt service to the bar and the public.

Therefore, it is the direction of the Judges of the Court that beginning January 1, 2004, filings in the United States Bankruptcy Court for the Northern District of Georgia be made in the following manner.

(1) Any document filed by any attorney, any trustee or examiner serving in any case pending in the Bankruptcy Court, or the United States Trustee, shall be filed electronically, unless otherwise permitted by this General Order.

(2) Methods of Electronic Filing. A document may be filed electronically through any of the following methods:

(a) A Registered Participant¹ may electronically file a document through the Electronic Case Filing Program of the Bankruptcy Court.

(b) A Registered Creditor² may electronically file a proof of claim or transfer of claim through the Electronic Case Filing Program of the Bankruptcy Court.

(c) An attorney admitted to practice in the Bankruptcy Court may electronically file a document by submitting it to the Bankruptcy Clerk in an electronic media containing the document prepared in electronic format in accordance with the following procedures, together with a paper certificate, in the format approved by the Court, under penalty of perjury, which describes the document to be filed and authorizes its filing. Filings shall indicate a signature with the filing party's name typed in full, e.g., /s/ Jane Doe, on the signature line.

(i) To file documents on diskette or CD, the filer must provide the document on a virus-free, 3.5 inch diskette or CD in PDF format with a permanent label attached that lists:

- (A) the name of the debtor for a voluntary petition, or the case name and number of an existing case;
- (B) the name and telephone number of attorney filing the diskette or CD;
- (C) the party on whose behalf the document is being filed;
- (D) the title of the document(s) on the diskette, (e.g. Motion for Relief from Stay); and
- (E) the PDF file name for each document on the diskette or CD. The file name must be in the format approved by the Clerk.

(ii) Each diskette or CD may contain documents from only one case. However, multiple documents from the same case may be placed on the same diskette or CD.

(iii) The Clerk's Office will retain the diskette or CD for a period of 60 days, and then they will be destroyed.

¹ A Registered Participant is an attorney/trustee/examiner who has been trained on CM/ECF and has received a login and password to the Court's "Live" CM/ECF program for the purpose of filing documents electronically.

² A Registered Creditor is someone who has been trained on CM/ECF and has received a login and password to the Court's "Live" CM/ECF program for the purpose of filing proof of claim forms, notices of appearance, and transfers of claims.

(iv) The Bankruptcy Clerk will enter on the docket the document contained in the electronic media. The paper certificate will be retained for 60 days along with the diskette or CD.

(d) An attorney admitted to practice in the Bankruptcy Court may electronically file a document by scanning the paper document into electronic format at scanners available without charge at the public intake filing desk of the Bankruptcy Clerk's office.

(3) Exceptions to Electronic Filing.

(a) Miscellaneous Documents. An attorney or trustee who is not a Registered Participant shall not be required to file any of the following documents electronically: (1) a proof of claim or amendments thereto; (2) a notice of appearance in a bankruptcy case for the purpose of receiving notices; (3) a ballot on a Chapter 11 plan. The exceptions for the filing of these documents do not excuse the attorney from the requirements of this General Order with regard to the filing of any other documents in the case or in any adversary proceeding relating thereto.

(b) Discretionary Exceptions. A Bankruptcy Judge may in his or her discretion authorize other exceptions to the electronic filing of documents and may order that certain documents not be filed electronically.

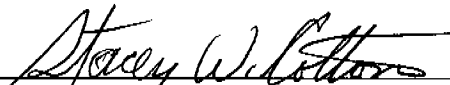
(c) Emergencies. In the event that an emergency situation prevents a Registered Participant or a Registered Creditor from timely filing a document electronically through the Electronic Case Filing Program, such Registered Participant or Registered Creditor shall be permitted to file the document either conventionally or through alternative means set forth in the Electronic Case Filing Procedures.

(d) Inability to File Electronically. An attorney required to file electronically may submit to the Chief Bankruptcy Judge, or his or her designate, an "Affidavit of Inability to File Electronically" certifying that he or she is unable to comply with the electronic filing requirements. The Affidavit shall state the circumstances which justify an exception from electronic filing. Upon the first submission of such an affidavit, the attorney shall have an automatic grace period of 180 days during which he or she shall not be required to electronically file documents. Should the attorney require additional time beyond the grace period, he or she may petition the Chief Bankruptcy Judge, or his or her designate, for such additional time as may be necessary and said request shall be considered on a case by case basis.

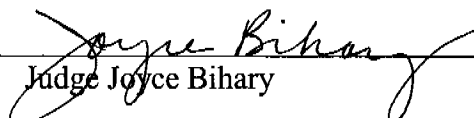
(e) Documents under seal. A document that a person desires to file under seal may be prepared in paper form and submitted to the Clerk's Office. The motion to file such document under seal shall be filed electronically, if the filing party is required to file electronically.

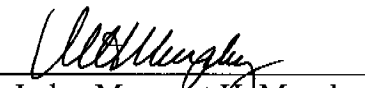
(4) The requirements of this General Order do not apply to parties who are not represented by counsel.

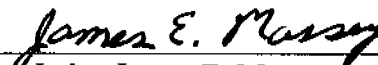
IT IS SO ORDERED, at Atlanta, Georgia, this the 3rd day of November, 2003.

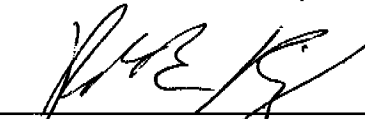

Chief Judge Stacey W. Cotton


Judge W. Homer Drake


Judge Joyce Bihary


Judge Margaret H. Murphy


Judge James E. Massey


Judge Robert E. Brizendine


Judge C. Ray Mullins


Judge Paul W. Bonapfel